

**RUMSON ZONING BOARD OF ADJUSTMENT
FEBRUARY 18, 2014
MINUTES**

Chairman Conklin called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Conklin, Duddy, Brodsky, Wood, Cottrell. Also present: Bernard Reilly (Board Attorney), Fred Andre (Zoning Officer), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Mr. Reilly swore in Steve Cottrell as a new member of the Board. Mr. Andre was also sworn in at this time.

Reorganization

Chairman – Dr. Wood moved to elect Mr. Conklin as chairman, and Mr. Brodsky seconded.

Roll Call Vote: Ayes – Cottrell, Brodsky, Wood, Duddy
Nays – None

Motion carried.

Vice Chairman – Mr. Duddy moved to elect Mr. Brodsky as Vice Chairman, and Dr. Wood seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Wood, Duddy
Nays – None

Motion carried.

Zoning Board Attorney – Dr. Wood moved to adopt the resolution appointing Bernard Reilly as Board Attorney, and Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Wood, Duddy, Brodsky
Nays – None

Motion carried.

Zoning Board Engineer – Dr. Wood moved to adopt the resolution appointing T&M Assoc. as Zoning Board Engineer, and Mr. Brodsky seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Wood, Brodsky
Nays – Duddy

Motion carried.

2014 Meeting Schedule

Chairman Conklin announced that the meetings will take place on the third Tuesdays, except for the April meeting, which will be 4/29/14, due to the holiday.

Scott Milsom & Lisa Feminello, 9 Packer Ave.

Scott Milsom was sworn in, along with his architect, James Daley, whose credentials were accepted by the Board. Mr. Milson stated he purchased the house in 2009, and rented it out at that time. He would now like to make it his primary residence, and he needs extra space for his

family. The footprint will not be expanded, but only additions on the second floor. The house was built in the 1950's.

Mr. Daley explained the variances needed, including:

- Lot coverage (staying the same);
- Building coverage;
- Rear setback (pre-existing – 35' required / 25' provided).

Everything else complies with the ordinance. The garage will not change. The driveway is two-cars wide to the garage, along the entire length of the back of the property. This lot is slightly larger than what is required. The additions will be constructed over two existing porches on the north and south sides. This provides two additional wings out to the sides that will be slightly lower than the main portion of the building. They will be adding 445 sq. ft. (bedroom and master closet and bath).

There were no questions or comments from the public.

Mr. Duddy questioned the distance to the neighbor's house, and Mr. Daley said it is 50'. The house is mostly centered on the lot. The brick patio on the north side is on grade.

Mr. Brodsky noted that much of the lot coverage is driveway, which is pre-existing. He moved to approve the application, and Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Brodsky, Duddy, Wood

Nays – None

Motion carried.

At this time, Chairman Conklin announced that due to the cancellation of the prior meeting due to snow, a resolution has been prepared for this application, so they do not have to wait the 30 days for their approval. Dr. Wood moved to adopt the resolution, and Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Brodsky, Duddy, Wood

Nays – None

Motion carried.

Vasili & Manioucha Krishnamurti, 41 Bellevue Ave.

Brooks Von Arx, attorney, appeared on behalf of the applicants, who are the contract purchasers of the property. He submitted a consent from the existing property owner for this application.

Mr. Von Arx reviewed that there was an approval for a new residence on this property from 2012, which determined the orientation of the structure. The applicant is asking for two variances:

- Installation of pool in rear yard of property;
- Installation of screening wall between the pool and the street and parking lot on the Rumson Country Day School site.

Mrs. Krishnamurti is an avid gardener and is looking forward to working around the property, which was originally part of the Rohallion Estate.

Mrs. Krishnamurti was sworn in and confirmed that they are the contract purchasers of the property. She stated she is an excessive gardener, and she would like to bring the property back to the standards of the original estate, which has many beautiful specimens on the property, which she proceeded to describe. She would like to maintain what is currently there and enhance it. An existing stone wall will be included in their design, and they will be adding more shrubbery and trees to give them privacy from the road and the school. She would like to plant an orchard, also.

Stephen Krog, Landscape Architect, was sworn in, and the Board accepted his qualifications. He was asked to develop a landscape plan for the property. He presented photos to the Board of an existing Redwood tree on the property, which incorporates a deed restriction, along with another large English Oak. Their plan will protect these trees. Another photo shows an aerial view of the neighborhood, noting this property in the center, next to the Rumson Country Day School and the playing fields and parking lot (A-1 & A-2).

All the elements of their plan conform to the zoning code, with the exception of the free-standing garden wall. The wall will be 16" wide x 9' high x 38.6' long, to be located 75.6' from the road, which exceeds the required 65' setback. The house placement resulted in a larger front yard setback, due to the existing trees, putting them within the 100' setback from N. Rohallion Dr.

The wall will serve to create an outdoor space with a pool, side yard wooded area, a sunny area to the southeast, and a garden to the south. There is a walkway that circumvents the property. The wall is important to provide privacy from the school's parking lot and ball fields. Photos of other walls in the borough were shown to the Board, and Mr. Krog thinks their structure picks up on this theme. A photo of a pergola and bench swing structure was shown, which is part of the plan and one component of the wall feature. They will gain screening from the road and provide an aesthetic compatible with what could have been found on the property in the past.

They would be using a stone material compatible to the other walls on the property. He showed the Board an illustration of the proposed wall, pergola, bench swing, landscaping, etc. He does not think this will look out of place, and the landscaping that will be added will supplement that already on the site. The canopy of trees that exists will be added to with trees, and the wall will serve as a back drop for this space. It is Mr. Krog's opinion that this type of design will replicate what was lost on this estate over the past years. He pointed out an existing low fieldstone wall along Rohallion Drive, noting they have saved many of the stones from another existing wall to add to the new wall.

The two specimen trees mentioned earlier were discussed, with Mr. Krog giving the distance of these trees from the proposed pool. They will be installing temporary fencing around the trees to prevent any damage during construction.

It is Mr. Krog's opinion that no adverse effect would be felt by the surrounding neighborhood, since they have screening around the lot, and the neighbors' homes are located a distance away.

Chairman Conklin asked about the elevation change on the lot, which he noted appears to be substantial. He recalled that the placement of the house was not totally based on the location of

the trees, but was also due to the elevation change. He thinks the change in elevation is approximately 8', which he feels is substantial.

Mr. Krog said that the free-standing wall serves as a retaining wall at present, and they do not propose any change in grading in the location of the trees. They would be filling in the area of the proposed wall, but not in the area of the pool. They will be adding soil at the corner to create a flat plateau near the pool. There is a 9' difference from the property line to the east corner of the pool area. Chairman Conklin noted that this area slopes, and Mr. Krog again pointed out a retaining wall in the area of the pool to make up for this difference.

Chairman Conklin does not think they have heard testimony on how this change in grade will affect the trees. Mr. Krog explained the contours in the area, and again explained the retaining wall in the area of the trees. He stated that the English Oak probably has roots out to Rohallion Drive, so any construction will possibly affect the roots of this tree, but these roots can tolerate some disturbance, and Mr. Brooks, Borough Arborist, can testify to this. Their plan will only affect an area 70' from the tree. Chairman Conklin thinks it appears that more grading will occur, in his opinion. He noted that the house was originally placed on the lot to protect the trees, and now they are changing the dynamics of this, and he is not comfortable with it. He asked how long the 9' wall will be and Mr. Krog said 38'9" long.

Chairman Conklin asked why they needed the 9' height, and Mr. Krog said the reason is that they are trying to not just build a wall, but build a wall that is a backdrop for a garden element that becomes something special. They could build a 6' wall without coming before the Board.

Chairman Conklin recalled that there was a question as to who owned the existing wall in the front, and Mr. Krog said it is on the applicants' property.

William Brooks, Forrester for the Borough, was sworn in and reviewed his experience with this property. The trees to be removed were explained, with Mr. Brooks noting that they are not specimen trees. There are two Holly trees that are protected under the ordinance, and these will be replaced by the applicant. Regarding the disturbance to the root system of the trees, Mr. Krog's testimony was correct, and there is evidence that feeder roots may extend beyond the height of the tree. The problem is that they do not know what percent of impact to the feeder roots would be accepted. There are things that can be done to encourage growth of feeder roots, which he would recommend for these trees. He does not have concerns with this plan, as he does not think they would be impacting enough of the feeder root system to adversely affect the trees.

Mr. Reilly noted a reference in the old resolution regarding special conditions regarding the trees, and Mr. Brooks said the trees referenced are not the ones they are proposing to remove. A new condition can be a part of the new resolution, and Mr. Brooks will provide this to Mr. Reilly.

There were no questions or comments from the public.

Dr. Wood asked if there were any existing walls in the rear of this property, and Mr. Krog said there appears to have been an old service drive to access the Rohallion house. The stones they recovered came from this area, and they are identical to the stones in the wall in the front.

Mr. Brodsky asked if the wall would be seen, based on the amount of screening in the area. Mr. Krog said the existing trees have a high canopy, and they will be enhancing this area with evergreens to also screen the wall. It was noted that the elevation rises 7 – 8' from the road to the base of the proposed wall.

Chairman Conklin asked if a future owner chose to put concrete around the pool, how would this change the dynamics in the rear area as it pertains to the trees. Mr. Brooks said this would have a negative impact. He said the applicants would stipulate that there be nothing but grass in the area around the pool, and this could also be a condition of approval. Mr. Krog said on other sites they have installed an aeration system to mitigate and minimize soil compaction. Mr. Brooks would be very comfortable with this.

Mr. Brodsky asked if there could be an alternative for a lower wall, and Mr. Krog said 6' would be allowed without a variance, and they are asking for the additional height to make it more attractive.

Mr. Duddy noted that the house is 65' closer to the road than any other house on the street, and now they are proposing a construction project which may or may not hasten the death of the trees, which the Board has tried to protect. He commented that he likes the wall, but the ordinance says it can be 6' high, and other than the fact that they want it, he does not see a reason to allow it.

Mr. Brodsky agrees with the ordinance in not allowing 9' walls; however, this is well inside the property limits and is an architectural feature, and he would be inclined to be ok with it.

Dr. Wood thinks it might be OK if it was shorter, but it is a very long structure.

Mr. Cottrell thinks it looks very nice, but this tall of a wall may lead to the neglect of the trees, and he thinks maintenance of the trees should also be a part of the resolution. He agrees with the ordinance, which tries to not create a castle-like structure. Mr. Andre said that the wall is proposed in a considered "front yard", which means it could only be 4' high and not 6'. If it were behind the house, it could be 6' tall.

Mr. Von Arx does not think this is a huge wall, and it does not encompass the property. It creates a barrier that is relatively small. He thinks it is a wonderful opportunity for the borough to take advantage of people who are willing to spend the money to create this type of ambiance in the borough. The Board's function is to see whether there can be a relaxation of the rule, and he thinks this can be done in this case.

Mr. Reilly noted they are not applying for a hardship variance, but for a "B" variance, which is asking for a waiver of the regulation based on aesthetics.

Chairman Conklin noted that the Board worked hard to be very careful to protect these two outstanding trees on the property. He reviewed that they allowed the placement of the home to benefit these two trees, and now they are asked to do this again to allow for the variance request for the pool. The wall proposal at N. Rohallion is already at an elevation 8' higher than the roadway. He is having a difficulty with this request. He feels the Board bent over backwards at the last application to give the trees the maximum advantage, and now the pool request puts the property and the trees in danger of being damaged.

Mr. Von Arx consulted with his clients, after which he asked that the matter be carried to the next meeting to allow them to consider the Board's comments heard this evening. Mr. Reilly suggested they consult with Mr. Brooks to document any and all requirements with regard to the trees that can be put in writing.

Mr. Duddy is more bothered by the wall than the pool.

The application will be carried to the March meeting, with no further notice required.

Edward & Kaye Wise, 54 East River Road

Michael Bruno, attorney, appeared on behalf of the applicants, who would like to raze their home and construct a new home on the property. This is a narrow lot on the Navesink River. The property is accessed off an unnamed right-of-way. They would like to construct a new two-story dwelling with a detached two-car garage, pool, and patio. The variances required include:

- Lot size
- Lot width (150' required / 72' provided)
- Lot shape (100' required / 22' provided).

All these variances are existing and result from the narrow lot.

Michael Monroe, architect, is also present for testimony, along with Mr. Wise. Both were sworn in at this time, and the Board accepted Mr. Monroe's qualifications. Mr. Wise said he purchased the property 9/9/12, and they are looking to construct a new home for their family. He has spoken to his neighbors, including Mr. Boyd, who is also present this evening, and they have subsequently made accommodations based on their discussions.

Mr. Monroe identified the exhibits and drawings presented to the Board, including six photos taken today. He also distributed a smaller version to the Board members showing the existing conditions on the property (A-2), along with the site plan (A-3). They will be demolishing the existing house and make the new structure as conforming as possible. They tried to create a home that has several architectural features and roof lines so that the structures felt less massive. He thinks it sits nicely on the property. The garage is proposed as detached in the front yard, and he thinks this adds to the character of the neighborhood. This also makes the house feel less long and massive. The overall design process resulted in a series of reductions, and they have rotated the house slightly to get an additional 20' next to the property line. The lot coverage and building coverage were reduced by their changes. He thinks they have made the house as tight as possible.

The additional nonconforming lot conditions and variances include:

- Detached accessory building in front yard (This is in keeping with the neighborhood and also breaks up the mass of the house. It will not be visible from the street. There are other accessory structures to either side of this proposed structure. It will also be far enough away from an existing Copper Beech tree so as not to cause damage. This tree was located on the plan – 40' away from the new garage. Mr. Monroe does not see any negative impact from this structure);
- Side setbacks, due to the narrowness of the lot – They do not comply, but it is better than what exists today (22' average setbacks);
- Combination side yards – 54' required / 38.3' proposed. These are identical to what exists today;
- Lot coverage – 8,608 sq. ft. existing / 8,376 proposed / 8,222 permitted – making this proposal slightly better than what exists;
- Total building coverage – 237 sq. ft. over that allowed. They do not have the option for a basement, and they are proposing an extra garage to provide additional storage.

The narrowness of the lot dictates the design for the property, which they feel will be a positive for the neighborhood.

Mr. Monroe explained the proposed materials for the house and the roof lines, which will have dormers in the front to break up the roof line. The height complies with the ordinance. The design is in character with others along the Navesink River. There is a crawl space proposed, but no basement, and storage is provided in the detached garage with an unfinished attic for additional storage.

They propose adding additional buffer landscaping to the existing buffer on the lot. They want to maintain an access way to the waterfront, and they will accommodate the other properties in the area with their plan. They do not plan to remove any trees.

The Storm Water Management is required to be better with any new development, and they will abide by this. Mr. Monroe described the proposed grading and drainage.

He proceeded to describe the photos presented earlier (6 photos).

Chairman Conklin asked why they changed the orientation of the garage, and Mr. Monroe said they felt it was nicer to make it line up with the existing house and is a better approach to the main house. The detached garage is 24' high, which conforms.

The pool setback is nonconforming, and Mr. Monroe noted they had very little patio space, and they are trying to deal with the steep drop off, to address the additional elevation of the home due to FEMA. The proposed pool is small, and they feel this is the best suited spot for it. The east side setback of the house at 19.5' is the closest point, with an average setback of 20-22' overall.

The north side setback is 18.8', which is next to an existing boat house with the residence being farther away. The boat house is 12-13' tall and long. The north side lot width at the rear of the house is 85' wide, and the house is 40' wide.

Mr. Andre said there is no need for a variance for the garage.

Mr. Reilly asked about street frontage, and Mr. Bruno said they have asked for a variance to allow for improvements on a property that does not have frontage. It is a gravel driveway that is not improved. There is joint access to the neighbor's lot (3 families). This access is maintained by the neighbors. The detached garage will not be heated, and this could be a condition of approval.

Mr. Gary Boyd, 56 E. River Road, neighboring property owner, was sworn in and expressed his opinion that the house is too big for the property. He informed the Board about other neighbors' properties, reviewing the history and sizes, including his home. He thinks the architecture provides for a full third floor in the attic. The house is very long, also. He does not have a problem with the detached garage. He questioned the elevation, and Mr. Monroe said minimal fill would occur on Mr. Boyd's side of the house. The other side grade will go from 8' to 10', and the boat house next door is 4-5' higher. Mr. Boyd believes 1,000 cubic yards of fill will be needed, which he thinks is a lot.

With regard to the swimming pool, Mr. Monroe confirmed that the plan includes the application for the pool, which is surrounded by landscaping and pushed to the water's edge, about 35' from Mr. Boyd's property line. Mr. Boyd commented that other neighbors' pools have landscaping and trees that block people's views of the river. He suggested they put storage underneath the house and cut back elsewhere, and Mr. Monroe responded that this is not allowed by law in this case. Mr. Monroe said the house is proposed as 90' long, and 30' for the one-story garage. The larger part of the house is 60'. Mr. Boyd noted the difference in this house as compared to his house and the house on the other side, which is also smaller. He asked if the attic space over the garage counts in the FAR, and Mr. Monroe said it did not. Mr. Monroe confirmed his numbers for the attic space, noting he did not "fudge" any numbers, as suggested by Mr. Boyd.

Mr. Boyd does not think there is enough property to accommodate this size house in the north/south direction. He has a problem with the lot coverage, noting that this is the largest house on one of the smallest lots. He does not like to look out at pools and would rather see grass. He thinks the house would be appropriate on a much larger lot. He suggested the applicant might buy his property or the lot to the west to make additional property available to them to accommodate this size house. He finds the proposal offensive and thinks it should be built on a larger property.

Mr. Bruno feels their testimony addressed the suitability for the house on the lot. Mr. Monroe pointed out the improved site lines over the existing condition.

Stuart Challoner, Project Engineer, was sworn in, and the Board accepted his qualifications. He identified the plan, which shows a site line view from the Boyd's property. The newly proposed house shows a better site line than the existing house, and this was shown to Mr. Boyd via the

plan. Mr. Challoner explained the location of the pool, based on the change in grade from the new house. They will be providing a stepped terrace to the pool, which will be at elevation 11'. Mr. Boyd said this will require fill; however, Mr. Challoner noted that the house will be built on a crawl space with flood vents, which is required. This area cannot be used for any storage.

Chairman Conklin questioned the proposed drainage, and Mr. Challoner noted that the entire property drains to the water along the adjacent properties. The new house will be 10' farther away than the existing house from the property line, and they will be maintaining an existing swale to continue the existing drainage. The runoff is greater from the existing driveway than what is being proposed, and the impervious coverage is actually less than what currently exists. The new house and garage are on this driveway area. The west side will have a retaining wall to pitch the flow toward the rear of the property on their side of the retaining wall and terrace down through planters to the river. The wall will be 1' off the property line. Along the east side, the drainage will stay on the applicant's property and go to the river via the existing swale. No additional volume will be added along the swale with the new development, and he is confident that this will handle the overflow of water.

Mr. Monroe addressed Mr. Boyd's comments regarding the size of the house, stating that they are adding 237 sq. ft. in building coverage. It is a four-bedroom house, which is not that large for this property. The lot coverage is 154 sq. ft. over what currently exists, which is also not disproportionate for this type of property. They can address drainage via a grading plan showing a pipe system that assures less water on Mr. Boyd's side of the house. Mr. Boyd said drainage is not what concerns him as much as the size and length of the house and the distance next to his property line.

Chairman Conklin asked about the third floor, and Mr. Monroe said this area will not be used as living space (238 sq. ft.). This is included in his calculations. Their mechanical equipment will be located there. Both proposed balconies will be on the water side facing north.

There were no other questions or comments from the public.

Mr. Brodsky feels there is a hardship due to the narrowness of the lot. The Board has granted site variances, while still being sensitive to the neighbors. This is new construction, and he is struggling with the overages on the lot. He thinks it is gorgeous house, but he is sensitive to the comments raised. He thinks they should do everything they can when starting from scratch. He commented on areas that he thinks might be able to be changed to get closer to conforming. He thinks the house can be brought down in size somewhat.

Chairman Conklin said this is possibly going to be a template for what may happen going forward on the neighboring lots. He understands the hardship of the lot and what it includes.

Mr. Duddy noted that the floor area is at the limit, and the building coverage is maxed. The lot is 72' wide, and a 27' setback is not practical, in his opinion. He does not have a problem with the setbacks proposed, and thinks the applicant has been sensitive to the neighbors. The coverage includes a long driveway, and there is no basement. The 3 1/2-car garage would be practical for

many items used by homes on the water. In lieu of what is being built in town today, he does not think this house is overly large. He would be in favor of the application.

Dr. Wood agrees that the setbacks are acceptable. He would prefer getting the numbers down slightly on the building coverage.

Mr. Cottrell thinks they have accommodated a difficult building lot. He appreciates Mr. Boyd's concerns, but he feels the home as designed is compatible with the area, and he would also be in favor.

Mr. Bruno summarized that this application started with a FAR variance. It is a very narrow lot on the river, and designing something that can accommodate a family is a hardship. They have scaled back the original proposal, based on the concerns of the neighbor. They are slightly over on building coverage, and they may be able to go back to the drawing board and make some sacrifices, but he thinks they have tried to make every effort to address the issues for this lot.

Chairman Conklin knows the tremendous effort made by the applicant, and he understands Mr. Boyd's comments. He asked if there was a possibility to reduce the building coverage somewhat and come back with a revision; otherwise, they can request a vote this evening.

Mr. Bruno will consult with his clients and report back later in the meeting.

Gerald & Nancy Tighe, 7 Oyster Bay Drive

Mark Aikens, attorney, appeared on behalf of the applicants. They would like to replace a Sandy-damaged home.

Robert Curley, project engineer, James Montefiore, architect, and Raymond Liotta, planner, were sworn in at this time. The Board accepted their qualifications.

Mr. Curley described the property, locating it on an aerial map he provided (A-1). It is a corner lot. A-2 is the plan submitted to the Board. There is an existing dwelling that was damaged by Sandy, and they would like to raze the house and construct a new house. There are some existing nonconformities on the lot. The lot will be used in the same manner as what exists, including the driveway area, which will be modified with a crushed stone motor court in the front and garage area. The proposed dwelling will be very similar to the existing dwelling, and they will maintain the existing pool, which will not change. The biggest modification will be raising the proposed dwelling to an elevation of 12'. The garage floor will be at elevation 10' (2' above flood regulations). The drainage patterns will be kept the same, and they have provided new drainage across the front to tie in with the existing drainage. They will also need approval from CAFRA. There is an existing wetlands area on the lot that they will not be impacting, and there is no buffer associated with this. Any approval granted by this Board would be dependent upon their receiving CAFRA approval.

The lot has waterfront bulkhead areas along the rear property line, which will not be changed. The orientation of the existing house is similar to what they are proposing.

Mr. Montefore presented a colored rendering (A-3) of the design of the house. He explained the style as a classic, shingle-style home, two stories, with a small finished area in the attic. There is a pool house in the rear with a bathroom, but no heat. Over the garage there is a half story for an exercise room. The floor plan (A1-01) shows the layout of the home, which focuses on capturing the view. The three-car garage is on the east side of the property. Their plan requires no bulk variances. They have a limitation due to the existing wetlands.

Raymond Liotta, planner, noted that the R-1 Zone is a single-family zone, and that is what they are proposing. They require a few variances:

- Minimum lot area;
- Minimum lot frontage;
- Corner lot circle requirement.

All these variances are existing. This is a typical undersized lot, and there is nothing they can do to correct this.

- Rear setback – affected by the corner lot situation and essentially providing two front yards;
- Side yard setback – 47.3' required / 40.81' proposed (Mr. Liotta disputes this variance and feels the requirement should be 40.1', which they are providing);
- Driveway width – 15' allowed / 39.9' proposed, due to the turnaround and delivery/visitor areas;
- Technical variances for the existing pool, which will remain (structure occurring on lot without primary dwelling). This will disappear when the new home is built.

Mr. Liotta provided a review of the area, noting the bulk conditions of the other lots, indicating all have a variance condition of some kind (front yard, side yard, lot area, etc.). The proposed new variances are consistent with what occurs in the immediate neighborhood and are not out of the ordinary. The proposed building is not the largest in the neighborhood and will not look out of place. All bulk variance conditions are satisfied. They have an undersized lot that comes with some variances. They have designed the house to orient in the same direction as the existing house. The proposed house is farther away from the bulkhead line than the existing dwelling. The new building provides a raised deck at ground level, which Mr. Liotta believes will be less imposing on the rear yard than the current deck.

They are reconstructing the home to the new base flood elevations, so as to secure it from future flood conditions. It is his opinion that there is no side yard setback variance required. The only encroachment into the side yard is a small portion of the home that extends to the rear area (16' long).

Mr. Brodsky asked about the garage, and Mr. Liotta said the only portion of the structure that extends beyond the 47' is the small bump out section behind the garage.

The landscape plan proposes additional screening on the east side to help add buffer from the adjacent lot.

Gary Casazza, 16 Heathcliff Road, speaking from the public, was sworn in and said he lives near this property and thinks it is a good application.

There were no other questions or comments from the public.

Mr. Brodsky questioned the side yard setback discrepancy mentioned earlier, and Mr. Andre explained the ordinance, noting that the board could make their own determination if they think the side yard setback should be 47' or 40', depending on what they consider the primary front yard. The Board decided to allow the request for the variance for the side yard, determining that the 47' setback would be appropriate.

Mr. Duddy moved to approve the application, and Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Cottrell, Brodsky, Duddy, Wood

Nays – None

Motion carried.

At this time, and with regard to the **Edward & Kaye Wise** application, Mr. Bruno, attorney, asked that the application be carried to the next meeting, and this was approved. The application will be continued with no further notice required. Any revised plans will need to be submitted at least 10 days before the next meeting.

Resolutions

1. **Paul & Lana Frieze, 17 Warren St.** – Approval to construct one-story front addition, raze detached garage and construct new two-car garage, reconfigure driveway;
2. **Donald & Kerry Devine, 10 Tuxedo Road** – Approval for side addition, screen porch, rear addition, three-car attached garage, and reconfiguring of driveway;
3. **Kevin & Melissa Lane, 13 North St.** – Approval to construct new front porch and second floor addition;
4. **LeeAnne Rizzotto, 62 Waterman Ave.** – Approval to raze existing residence and construct new home.

Dr. Wood moved to adopt the resolutions, and Mr. Duddy seconded:

Roll Call Vote: (Eligible) Ayes – Mr. Conklin, Dr. Wood, Mr. Duddy

Nays – None

Motion carried.

5. **JNM Enterprises, 2 Shrewsbury Dr.** - Approval for preliminary and final site plan approval to continue use and reconstruct and elevate four-family dwelling.

Mr. Duddy moved to adopt the resolution, and Chairman Conklin seconded.

Roll Call Vote: (Eligible) Ayes – Mr. Conklin, Mr. Duddy

Nays – None

Motion carried.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Patricia Murphy
Clerk